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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,503

01/23/2006

Keitaro Yonezawa

YONE3019/JJC/PMB

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EXAMINER

WILSON, LEE D

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/565,503
Filing Date: January 23, 2006
Appellant(s): YONEZAWA ET AL.

PATRICK M. BUECHNER
REG. NO. # 57,504
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/8/09 appealing from the Office action mailed 9/30/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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6,095,509	YONEZAWA ET AL.	8-2000
4,059,036	HARTLEY	11-1977
4,767,125	BARRY ET AL.	8-1988
6,604,738	HARUNA	8-2003
6,024,354	YONEZAWA	2-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa (6095509) in view of Hartley (4059036) , Barry et al (4767125) , and Haruna (6604738) .

Yonezawa shows a clamping device having a pull rod 12b with an engaging member 13.

Hartley shows a similar arrangement with a pull rod 7 but Hartley has an inner engaging element 5 that engages an outer expandable engaging element 2. To provide in Yonezawa inner and outer engaging elements that are coaxial with the plug member would have been obvious in view of the Hartley disclosure. One skilled in the

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art would have been motivated to do this in order to enhance the gripping or clamping. To provide a several outer engaging elements that expand in lieu of a single expandable outer engaging element would have been obvious in view of the teachings of Barry et al (see outer engaging elements 37). One skilled in the art would have been motivated to do this in order provide superior expansion.

Haruna also shows various discharge ports for conveying cleaning fluid to spaces where relatively movable parts reside. To provide in Yonezawa discharge ports to any surfaces desired to provide cleaning would have been obvious in view of the Haruna disclosure. One skilled in the art would have been motivated to do this in order to enhance alignment by removing dirt from the alignment surfaces.

3. Claims 2-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa (6095509) in view of Hartley (4059036) , Barry et al (4767125) , and Haruna (6604738) supra and further in view of Yonezawa (6024354).

Yonezawa ('354) shows a cover member 12 and a balancing elastic member 29. To incorporate a cover member and a balancing elastic member in Yonezawa '509" would have been obvious in view of Yonezawa ('354). One skilled in the art would have been motivated to do this in order to enhance the clamping in Yonezawa ('354). Applicant's remarks have been carefully considered however those remarks are not deemed persuasive of any error in the above rejection. The remarks contain vague arguments such as "the addition of such structure would be insufficient to create a

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proper clamp structure". The examiner does not concur with applicant's vague argument that combination of references somehow destroys the clamping ability of Yonezawa. Further, applicant's arguments are not found to be commensurate with the broad scope of the claims.

(10) Response to Argument

1. Appellant states that an inner engaging member is not shown.

a. Barry discloses an inner engaging member 23 and the Barry shows the plurality of engaging members.

2. Appellant states that the pull rod is not taught.

a. Yonezawa is being used to teaches the a pull rod and not the other references.

3. Appellant states that the Hartley would not have been used as art.

a. Hartley discloses a pull rod as does Yonezawa and Hartley show that inner and outer engagement rings and even a split. This is showing with in the field of pull rods these type of elements are known.

4. Appellant states parts as disclosed in claim 1 are not shown.

a. The parts are shown in the combination of the 103 as appellant has broadly recited. 103 rejections are not base on a single reference but they are base on the combination of plural references.

5. Appellant states that the references are invalid.

a. The examiner is aware of what the references do not teach individually. However, the combination of the references does teach the claimed invention.

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The examiner does not concur with applicant's vague arguments of reciting what each reference is missing as oppose to arguing the point of what the reference is said to teach. Further, applicant's arguments are not found to be commensurate with the points being discussed in the prior with regard to what the references have in common with the invention. For the above reasons, it is believed that the rejections should be sustained.

6. Appellant states that the Yonezawa 354 reference does not disclose the prior art.

a. The Yonezawa discloses the cover member and balancing elastic member which is what is needed to meet the claims. The Appellant has not said that it does not. The Appellant is protesting the combination of these references and not what they show. These claims have not been argued as a 103 rejection but they are being treated like singular 102 rejections.

7. Appellant is stating that the individual references do not show the total invention and Appellant argues that the reference in there totality do not show the invention.

a. The arguments state what each reference does not have with respect to the invention. This is ok if all the rejections are 102 but in a 103 rejection you have a base reference and modifying reference. The argument should be about what the modifying reference does not have and maybe why it is not useable. Anything else means that obviousness is not being address in the correct manner.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

Ldw

/LEE D WILSON/

Primary Examiner, Art Unit 3727

Conferees:

/Joseph J. Hail, III/

Supervisory Patent Examiner, Art Unit 3723

/Tom Hughes/

TQAS, TC 3700